

**Remarks/Arguments:**

The pending claims are 42-53. Claims 42-44, 50 and 52 have been amended. No new matter is introduced therein.

Claims 42-53 remain rejected under 35 U.S.C. § 103(a) as unpatentable over Shaffer in view of Reele.

Applicant thanks the Examiner for the courtesies extended to his representatives during the telephone interview on June 26, 2008 during which the claims and the cited prior art were discussed. The Examiner agreed that the recitation in the claims of "audio/video" message refers to a message containing both audio **and** video. The Examiner also agreed that amending steps (b) and (e) in claim 42 to recite "transferring a duplicate of the created" audio/video message would distinguish over Shaffer. Applicant has therefore amended claim 42 in accordance with the agreement. Claims 42-44 are therefore not subject to the above rejection at least because the combination of Shaffer and Reele does not disclose or suggest steps (b) and (e) of claim 42.

Claims 50 and 52 have also been amended consistent with the telephone interview to recite that audio/video messages received at a workstation are duplicates of audio/video messages created on other workstations. Claim 50 recites a duplicate of an audio/video message created on a second workstation. Claim 52 recites a plurality of duplicate audio/video messages created at respective other workstations. Claims 50 and 52, and their respective dependent claims 51 and 53 are therefore not subject to the above rejection for at least the above reasons.

All of the claims are also not subject to the above rejection because, as explained in Applicant's response filed on May 21, 2008, Reele does not teach at least ¶(f) of claim 42, ¶(d) of claim 45, ¶(c) of claim 50, and ¶(c) of claim 52, which pages 4-7 of the Final Office Action acknowledge are not taught by Shaffer. Applicant's May 21, 2008 response, explaining why Reele does not teach these features, is incorporated by reference. Since Shaffer does not show these features, and since Reele also does not show these features, a combination of Shaffer and Reele cannot possibly show them. Responding to Applicant's May 21, 2008 response, page 4 of the June 3, 2008 Advisory Action states

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. [citations omitted] Reele is

not relied upon to teach all the limitations of the recited claim 42, hence the rejection is based on 35 USC 103(a). Reele is only relied upon to teach the missing limitation of claim 42.

The point of Applicant's May 21, 2008 response, however, is that Reele does not, in fact, teach the missing limitation of claim 42 and, similarly, does not teach the missing limitations in claims 45, 50, and 52. The Advisory Action does not refute Applicant's analysis of Reele. The Advisory Action's analysis is only applicable where two references show different parts of an applicant's claimed invention and the issue is whether it would have been obvious to combine the two references. In the present case, however, Reele does not show the features that are missing in Shaffer. Therefore, even if the methods taught in Shaffer and in Reele were combined, the resultant combination could not possibly contain all of the features in the claims. The combined method would still be lacking at least the features recited in ¶(f) of claim 42, ¶(d) of claim 45, ¶(c) of claim 50, and ¶(c) of claim 52 because those features are not shown in Reele. Therefore, claims 42-53 are not subject to the above rejection for these additional reasons and Applicant respectfully requests the PTO to withdraw the rejection.

During the June 26, 2008 telephone interview, Applicant's representatives also discussed the rejection of claims 46, 48, 49, 51, and 53 under 35 U.S.C. § 112, second paragraph, which is based upon the phrase "substantially concurrently" in those claims. The Examiner agreed to reconsider the rejection if Applicant provided MPEP support for the term "substantially." Applicant therefore respectfully refers the Examiner to MPEP § 2173.05(b) which states, in part:

**D. "Substantially"**

The term "substantially" is often used in conjunction with another term to describe a particular characteristic of the claimed invention. It is a broad term. *In re Nehrenberg*, 280 F.2d 161, 126 USPQ 383 (CCPA 1960). The court held that the limitation "to substantially increase the efficiency of the compound as a copper extractant" was definite in view of the general guidelines contained in the specification. *In re Mattison*, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). The court held that the limitation "which produces substantially equal E and H plane illumination patterns" was definite because one of ordinary skill in the art would know what was meant by "substantially equal." *Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988).

In the present case, "substantially" is used to modify "concurrently." One of ordinary skill in the art, upon reading the specification, would know what is meant by "substantially

concurrently." "Substantially concurrently" is therefore definite. Accordingly, Applicant requests the PTO to withdraw the § 112 rejection of these claims.

For all of the above reasons, Applicant submits that claims 42-53 are now in condition for allowance and an early notice of allowance is respectfully requested. If the Examiner has any question about this application, Applicant respectfully requests the Examiner to call Applicant's representatives.

Respectfully submitted,



Jacques L. Etkowicz, Reg. No. 41,738  
Stanley Weinberg, Reg. No. 25,276  
Attorneys for Applicants

JLE/SW/dhm

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P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

P.O. Box 1596  
Wilmington, DE 19899  
(302) 778-2500

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